



Public Notice

Applicant: Neil Bower
West Shore Construction Company

Date:
Published: October 8, 2002
Expires: November 6, 2002

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-TD-R RE: 98-473-0010(3) **Section:** OH 10 and 404

**Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Neil R. Bower, 31214 Lake Road, Bay Village, Ohio 44140 has applied for Department of the Army authorization to perform work along the shoreline of Lake Erie. The project is located at 31940 Lake Road, City of Avon Lake, Lorain County, Ohio.

The applicant is proposing the following actions:

- a. The construction of a 90 foot long steel framed crib shore wall. The cribs will be 10 feet wide and will be composed of two 45 foot long sections. They will be filled with 0.5-1.0 ton stone and capped with a slab of reinforced concrete. Approximately 155 cubic yards of framing and stone will be placed below the ordinary high water mark of Lake Erie (573.4', IGLD 1985).
- b. The construction of a 70 foot long shore-connected armor stone breakwater. The breakwater will consist of a double layer of 4-8 ton armor stones placed over a 2.5 foot thick layer of 12"-24" stone at the toe section and over a similarly sized stone and/or concrete rubble core at the middle and upper portions of the breakwater. A geotextile filter fabric will be placed between the stone and soil for the portion of the breakwater that extends below the existing grade. The armor stone will extend from a toe elevation of approximately 566' to a top elevation of 580'. Approximately 303 cubic yards of armor stone and 74 cubic yards of core stone will be placed below the ordinary high water mark of Lake Erie.

The purposes of the shore wall are to improve access to the lake and protection of the existing cast concrete seawall base. The purpose of the stone breakwater is the protection of the lower bluff face from wave and water-level induced erosion.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Claudia R. Steele, who can be contacted by calling (716) 879-4294, or by e-mail at: Claudia.R.Steele@lrb01.usace.army.mil

The applicant has certified that the proposed activity complies with Ohio's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with Ohio's Coastal Zone Management Program should be forwarded to:

Ms. Kim Baker
Ohio Department of Natural Resources
1952 Belcher Drive
Building C-2, Fountain Square
Columbus, Ohio 43224-1386
Telephone (614) 265-6411
FAX (614) 267-2981
e-mail: kim.baker@dnr.state.oh.us

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Claudia R. Steele, or by e-mail at: Claudia.R.Steele@lrb01.usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.